



State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-3503 FAX (603) 271-5171



October 7, 2002

**LETTER OF DEFICIENCY# WSEB 02-143**  
**CERTIFIED MAIL 7099 3400 0003 0690 2503**

James Swett  
EJMS Inc.  
163 Main Street  
PO Box 162  
New Durham, NH 03855

Subject: New Durham - Public Water System: The Foxy Johnnie Restaurant (EPA #1678040)

Dear Mr. Swett

The records of the Department of Environmental Services (DES) show that The Foxy Johnnie Restaurant water system is classified as a public water system (PWS), as defined by RSA 485:1-a. A PWS is defined as any water system serving 15 or more services, or 25 or more people for 60 or more days per year. As such, the water system owner is required to submit samples to the State laboratory or a State-certified laboratory for coliform bacteria analysis in compliance with NH Administrative Rule Env-Ws 325.

DES records show that Standard Maximum Contaminant Level (MCL) violations for total coliform bacteria, as defined in NH Admin. Rule Env-Ws 315.01 have occurred and that letters of violation were issued for the following months:

**August 2002 and September 2002**

DES believes the MCL violations can be corrected and future violations prevented by taking the following actions:

1. **By October 21, 2002**, retain the services of a qualified water system consultant to address the system's water quality problems relative to the recent bacteriological occurrences; and
2. **By November 4, 2002**, submit to DES for review a copy of the consultant's report including recommendations and an implementation schedule to correct the water system deficiencies.

In the event compliance is not achieved within this period, DES may take further enforcement action, including issuing an order requiring the deficiencies be corrected, initiating an administrative fine proceeding and/or referring the matter to the NH Department of Justice for imposition of appropriate penalties.

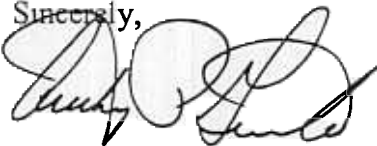
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The Foxy Johnnie Restaurant  
October 7, 2002  
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The copy of the consultant's written report as requested above should be addressed as follows:

Alan Leach  
Department of Environmental Services  
Water Supply Engineering Bureau  
6 Hazen Drive, P.O. Box 95  
Concord, NH 03302-0095

Please contact Alan Leach by phone at (603) 271-2854, or by e-mail at [aleach@des.state.nh.us](mailto:aleach@des.state.nh.us) if you have any questions regarding this letter.

Sincerely,



Anthony P. Giunta, P.G., Administrator  
Water Supply Engineering Bureau

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cc: Gretchen Rule, DES Legal Unit  
James Grigg, Health Officer, Town of New Durham  
Restaurant Licensing, NH Dept. H&HS  
EPA Region I